



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1534

DATE SCANNED 3/1/07

SCANNER NO. 1

SCAN OPERATOR SES

27092593614



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2006 NOV 21 A 9:42

November 20, 2006

**SENSITIVE**

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PAC*  
STAFF DIRECTOR

FROM: JOHN D. GIBSON *JG*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

SUBJECT: ADMINISTRATIVE FINE PROGRAM  
REASON TO BELIEVE RECOMMENDATION -  
12 DAY PRE-PRIMARY REPORT (AZ, DE, NY)

Attached are the names of political committees and their treasurers who failed to file or timely file the 2006 12 Day Pre-Primary Report in accordance with 2 U.S.C. 434(a). On August 7, 2006, Prior Notice was sent to the political committees and treasurers, informing them that the report was due on August 31, 2006 and should cover the period from July 1, 2006 through August 23, 2006.

Please note that all of the committees from New York who appear on the list, failed to file the election sensitive report by the required due date, however, they did file the report at least 4 days prior to the September 12, 2006 Primary Election. Thus these reports are considered **late**. The committees from Delaware and Arizona filed their required report more than four days after the September 12, 2006 Primary Election, as such, their reports are considered **not filed**. In accordance with the schedule of civil money penalties located within 11 CFR §111.43, the committees should be assessed the civil money penalty outlined on the attached list.

**Recommendation**

- 1) Find reason to believe that the political committees and treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
- 2) Send the appropriate Reason to Believe letter to the committees.

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11/20/2006 11:26 AM

Federal Election Commission  
Reason to Believe Circulation Report  
2006 PRE-PRIMARY Election Sensitive 08/31/2006 AZ, DE, NY

AFR	Committee ID	Committee Name	Candidate Name	Treasurer	State	Threshold	PV	Report Receipt Date	Days Late	LOA	RTB Penalty
1534	C00243611	LOUISE SLAUGHTER RE-ELECTION COMMITTEE	LOUISE M. SLAUGHTER	BONNIE CALLAGHAN	NY	\$885,618	0	9/6/2006	6	\$47,768	\$450
1534	C00240986	SERRANO FOR CONGRESS	JOSE E. SERRANO	MICHAEL WINICKI	NY	\$434,869	0	9/6/2006	6	\$70,921	\$900
1535	C00424131	ZANZI FOR CONGRESS	ITALO ANDRES ZANZI	RYAN ADRIAN MORIN	NY	\$357,657	0	9/8/2006	8	\$93,735	\$1,400



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, November 21, 2006 11:00

BALLOT DEADLINE: Monday, November 27, 2006 4:00

COMMISSIONER: LENHARD, MASON, TONER, von SPAKOVSKY, WALTHER, WEINTRAUB

SUBJECT: **Administrative Fine Program RTB Recommendation 12 Day Pre-Primary Report (AZ, DE, NY). Memorandum from the Assistant Staff Director, Reports Analysis Division dated November 20, 2006.**

- I approve the recommendation(s)
- I object to the recommendation(s)
- I approve the recommendations except those following to which I object (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- I approve the recommendations except those following in which I abstain (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- I approve the recommendations except those following in which I am recused (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- I am not voting on this tally.

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Commission Secretary. Please return ballot no later than date and time shown above.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

27092593617

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation 12 )  
Day Pre-Primary Report (AZ, DE, NY).: )  
ZANZI FOR CONGRESS, and RYAN ) AF# 1535  
ADRIAN MORFIN as treasurer; )  
  
SERRANO FOR CONGRESS, and ) AF# 1534  
WINICKI, MICHAEL as treasurer; )  
LOUISE SLAUGHTER RE-ELECTION ) AF# 1532  
COMMITTEE, and Bonnie Callaghan as )  
treasurer; )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on November 27, 2006 the Commission took the following actions on the Reason To Believe Recommendation 12 Day Pre-Primary Report (AZ, DE, NY), as recommended in the Reports Analysis Division's Memorandum dated November 20, 2006, on the following committees:

AF#1535 Decided by a vote of 6-0 to: (1) find reason to believe that ZANZI FOR CONGRESS, and RYAN ADRIAN MORFIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount

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indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1534 Decided by a vote of 6-0 to: (1) find reason to believe that SERRANO FOR CONGRESS, and WINICKI, MICHAEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1532 Decided by a vote of 6-0 to: (1) find reason to believe that LOUISE SLAUGHTER RE-ELECTION COMMITTEE, and Bonnie Callaghan as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

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Attest:

November 29, 2006  
Date

Mary W. Dove  
Mary W. Dove  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 29, 2006

Michael Winicki  
Serrano For Congress  
275 Madison Avenue  
New York, NY 10016

C00240986  
AF#: 1534

Dear Michael Winicki:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through August 23, 2006, shall be filed no later than August 31, 2006. 2 U.S.C. 434(a). You were previously notified of the due date for the Report. Records at the Commission indicate that this report was filed on 9/6/2006, 6 days late.

The Act was further amended in 1999 to permit the Federal Election Commission ("FEC") to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 11/27/2006 the FEC found that there is reason to believe ("RTB") that SERRANO FOR CONGRESS and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before August 31, 2006. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$900.00. It is due by 1/6/2007 and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$ 70921  
Number of Days Late: 6  
Number of Previous Civil Money Penalties Assessed: 0

#### **To Pay the Calculated Civil Money Penalty**

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 3. Upon receipt of your payment, the FEC will send you a final determination letter.

#### **To Challenge the RTB Finding and/or Calculated Civil Money Penalty**

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 1/6/2007. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error, miscalculation of the calculated civil money penalty by the FEC, or the

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existence of extraordinary circumstances that persisted for more than 48 hours that were beyond your control and prevented you from filing the report in a timely manner. Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. Examples of circumstances that will not be considered extraordinary include, but are not limited to, negligence, problems with vendors or contractors, staff illness, computer failures and similar circumstances. 11 C.F.R. 111.35(b)(1)(iii) and (4).

Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of your right to present such argument in a petition to the district court under 2 U.S.C. 437g. 11 C.F.R. 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

**If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge**

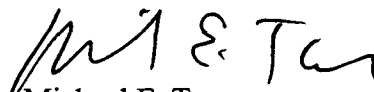
If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Serrano For Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at [www.FEC.gov](http://www.FEC.gov). If you have questions regarding the payment of the calculated civil money penalty, please contact Patricia Carmona in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

  
Michael E. Toner  
Chairman

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$900.00 for the 2006 Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by 1/6/2007. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Serrano For Congress

FEC ID#: C00240986

AF#: 1534

PAYMENT DUE DATE: 1/6/2007

PAYMENT AMOUNT DUE: \$ 900.00

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

January 21 2007 P 4: 22

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *J for pmc*  
STAFF DIRECTOR

MARGARITA MAISONET *MA*  
CHIEF COMPLIANCE OFFICER

FROM: JOHN D. GIBSON *JG*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

SUBJECT: ADMINISTRATIVE FINE PROGRAM  
FINAL DETERMINATION RECOMMENDATION -  
2006 12 DAY PRE-PRIMARY REPORT (AZ, DE, NY)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2006 12 Day Pre-Primary Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committee that has not paid. The committee that has not paid has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR 111.34 and 11 CFR 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

RAD Recommendation

- (1) Make final determination that the political committee and its treasurer identified on the attached report violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated.
- (2) Send the appropriate Final Determination letter to the committee.

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1/25/2007 1:14 PM

Federal Election Commission  
 FD Circulation Report Fine Paid  
 2006 PRE-PRIMARY Election Sensitive 08/31/2006 (AZ, DE, NY)

Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
LOUISE SLAUGHTER RE-ELECTION COMMITTEE	SLAUGHTER, LOUISE M.	C00213611	BONNIE CALLAGHAN	9/6/2006	6	\$47,768	0	11/27/2006	\$450	\$450	1/8/2007	\$450
SERRANO FOR CONGRESS	SERRANO, JOSE E.	C00240986	MICHAEL WINICKI	9/6/2006	6	\$70,924	0	11/27/2006	\$900	\$900	12/28/2006	\$900
ZANZI FOR CONGRESS	ZANZI, ITALO ANDRES	C00421131	RYAN ADRIAN MORFIN	9/8/2006	8	\$93,775	0	11/27/2006	\$1,400	\$1,400	12/28/2006	\$1,400



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Friday, January 26, 2007 12:00

BALLOT DEADLINE: Wednesday, January 31, 2007 4:00

COMMISSIONER: LENHARD, MASON, TONER, von SPAKOVSKY, WALTHER, WEINTRAUB

SUBJECT: **Administrative Fine Program Final Determination Recommendation – 2006 12 Day Pre-Primary Report (AZ, DE, NY). Memorandum from the Assistant Staff Director, Reports Analysis Division dated January 25, 2007.**

- ( ) I approve the recommendation(s)
- ( ) I object to the recommendation(s)
- ( ) I approve the recommendations except those following to which I object (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- ( ) I approve the recommendations except those following in which I abstain (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- ( ) I approve the recommendations except those following in which I am recused (please insert AF#)  
\_\_\_\_\_  
\_\_\_\_\_
- ( ) I am not voting on this tally.

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Commission Secretary. Please return ballot no later than date and time shown above.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

27092593626

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program Final ) AF 1534  
Determination Recommendation - 2006 )  
12 Day Pre-Primary Report (AZ, DE, )  
NY): Serrano for Congress and Michael )  
Winicki, as treasurer. )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on January 31, 2007, the Commission decided by a vote of 6-0 to take the following actions in AF 1534:

1. Make a final determination that Serrano for Congress and Michael Winicki, as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty in the amount of \$900.
2. Send the appropriate Final Determination letter to the committee.

Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

Attest:

January 31, 2007  
Date

Mary W. Dove  
Mary W. Dove  
Secretary of the Commission

27092593627



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 1, 2007

Michael Winicki, Treasurer  
Serrano for Congress  
275 Madison Avenue  
New York, NY 10016

C00240986  
AF#: 1534

Dear Michael Winicki,

On 11/27/2006, the Federal Election Commission ("FEC") found reason to believe ("RTB") that Serrano for Congress and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2006 12 Day Pre-Primary Report. By letter dated 11/29/2006 the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$900 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 12/28/2006, the FEC received payment of your civil money penalty calculated at the RTB stage. The FEC made a final determination on 1/31/2007 that you, as treasurer, and Serrano For Congress violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$900 in accordance with 11 C.F.R. 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Chris Ritchie on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Lenhard".

Robert D. Lenhard  
Chairman

27092593028

FOR: Serrano For Congress

FEC ID#: C00240986

AF#: 1534

PAYMENT DUE DATE: 1/6/2007

PAYMENT AMOUNT DUE: \$ 900.00

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 000090000 BA# 1 12-27-06 20 4



27092593629



MICHAEL WINICKI  
LINDA WINICKI  
[REDACTED]

DATE: 12-20-06

2939

PAY TO THE ORDER OF: FEDERAL ELECTORS COMMISSION \$900 <sup>00</sup>/<sub>100</sub>

NINE HUNDRED DOLLARS

CHASE  
JPMorgan Chase Bank, N.A.  
New York, New York 10017  
www.Chase.com

MEMO: SERRANO FOR CONGRESS

[Signature]



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1534

DATE SCANNED 3/1/07

SCANNER NO. 1

SCAN OPERATOR SES

27092593630